



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



Connecticut General Assembly
Education Committee
Testimony of Commissioner Dianna R. Wentzell
March 2, 2016

Good morning Senator Slossberg, Representative Fleischmann, Senator Boucher, Representative Lavielle and members of the Education Committee. I am Dianna Wentzell, Commissioner of the Department of Education, and I am pleased to have an opportunity to testify before you today regarding a series of education-related proposals.

Raised Bill 315, An Act Concerning Distinction For School Districts That Provide Exemplary Veteran Education Programs

The Department is in strong support of this proposal. We believe it is vitally important for students to learn about the brave men and women who put their lives on the line to serve our country and protect our freedoms, along with those who made the ultimate sacrifice to keep us safe from harm and promote democracy. Therefore, we would welcome an opportunity to partner with the Department of Veterans' Affairs to recognize districts with exemplary veteran education programs.

Raised Bill 316, An Act Concerning The Posting Of Careline Information In Public Schools

The Department is also in strong support of this proposal. It is a reasonable measure that will not impose additional costs on districts and will provide added protection for children by improving the reporting of, and information-sharing around, cases of abuse and neglect.

Raised Bill 317, An Act Concerning Dyslexia

The Department would also like to provide testimony in favor of this proposal. Early identification of the characteristics of dyslexia is absolutely critical to getting a child the interventions they need to be successful. Therefore, requiring an individual who is seeking a remedial reading, remedial language arts, or reading consultant endorsement to have completed a course that includes instruction on the detection of, and intervention for, students with dyslexia is a common sense measure that we support.

Raised Bill 318, An Act Concerning Private School Transportation

The Department is opposed to this proposal. It requires an unspecified district with a population of at least 100,000, to provide transportation to an out-of-district private, non-profit school within ten miles of the district, to students currently attending a private, non-profit school within the district that is closing at the end of this year. It requires the district to transport this group of children out of district until they complete 8th grade in the new

school. The proposal also caps the home district's cost for this transportation to no more than 5 percent over the total amount reimbursed to them pursuant to the non-public school transportation grant. Currently, state statute does not require districts to provide out-of-district transportation to students attending public schools of choice, except in limited cases for the technical high school system. This provision would deviate significantly from past and current practice of providing transportation to students out-of-district as being voluntary on the part of the district, and for that reason the Department cannot support it.

Raised Bill 319, An Act Concerning Notification To Schools Of Protective Or Restraining Orders Affecting Students

The Department is supportive of this proposal which increases protection for students in our schools by requiring prompt communication by the clerk of the Superior Court to the superintendent of a district in the event that a protective order or temporary restraining order is secured by or against a student. It also includes specific confidentiality provisions to limit disclosure of the applicable order, which we believe is appropriate. The Department believes this requirement will go a long way in helping to assess the risk of danger that may be posed by, or to, a student within our system, which will assist in increasing safety.

Raised Bill 323, An Act Concerning Unsubstantiated Allegations Of Abuse And Neglect By School Employees

We are opposed to this proposal which requires the Department (and school districts) to erase all references of a report or investigation of a teacher when an allegation of abuse or neglect was found to be "unsubstantiated" by the Department of Children and Families (DCF). It is important at the outset to explain what the term "unsubstantiated" means in this context. There are, to be sure, rare cases where a false allegation is made or the alleged conduct did not in fact occur. However, "unsubstantiated" does not usually mean that the allegation was false, or that no problematic conduct occurred. Rather, it is a legal term of art, meaning that DCF determined that the educator's conduct did not meet the statutory definition of abuse or neglect set forth in General Statutes § 46b-120. This does not end the analysis for the Department and school districts because the conduct revealed by DCF's investigation may not be acceptable from the perspective of professional standards for Connecticut educators. Moreover, requiring the scrubbing of records would prevent the Department and school districts from retaining information about an educator who may later engage in additional problematic conduct, suggesting unsuitability for the privilege of holding an educator license to work in this profession. Under current practice, if DCF finds allegations of abuse or neglect to be unsubstantiated by its standards, the Department may still use information pertaining to the conduct that DCF was investigating to determine if there is a certain pattern of unacceptable behavior that exists with an individual educator. By requiring the Department to wipe clean all records that pertain to an unsubstantiated allegation, we may not be able to determine a pattern of behavior that emerges over time that is unacceptable for a teacher, despite it not rising to the level of abuse or neglect by DCF standards. Furthermore, the requirement of wiping records also has the effect of preventing the Department from relying on any of the

work completed in DCF's investigation. The Department would be required re-do all of the investigative work, and in certain instances, this would likely require the Department to conduct additional interviews of students who were already interviewed extensively by DCF, taking away from learning time and possibly subjecting students to further trauma. While we appreciate the language that the Committee included in section 2 allowing the Department and local board or regional boards of education to conduct their own investigations, it seems to be in direct conflict with the requirement for erasing the records in section 1. Having said that, we would welcome the opportunity to work with the Committee on alternate language that would not impede the Department's ability to investigate into such matters.

Raised Bill 5465, An Act Authorizing The Establishment Of A Dual Language Magnet School And A Stem Magnet School

The Department is opposed to this proposal. The midterm budget, as proposed by the Governor, leaves no room for expansion at this time. In addition, the Department is engaged in a study of choice programming, which is due to the legislature in October of this year. The Department would not recommend developing any new magnet programs until that study and its recommendations are complete and reported back to the legislature.

Raised Bill 5467, An Act Establishing A Red Ribbon PASS Program

The Department is in favor of this proposal which will require us to create a Red Ribbon PASS Program. By recognizing districts for being highly performing, physically active school systems, we are acknowledging the connection between mind and body that links to student achievement. We believe this is one more positive step in the promotion of lifelong habits of physical activity and health with our students.

Raised Bill 5468, An Act Establishing A Task Force To Study Issues Relating To The Recruitment Of Manufacturing Teachers

The Department would like to be added to the membership of this task force.

Raised Bill 5469, An Act Concerning Student Data Privacy

The Department is generally in favor of this legislation, we believe it is rightly focused at the local level, requires appropriate agreements with vendors, limits targeted advertising by vendors to children and properly excludes standardized assessments from the definition of student generated content. The Department does have two specific suggestions for improving the proposal. Section 1(b)(6) requires the contractor to give notice within 48 hours to the parent or legal guardian of a student, the local board of education, and the State Board of Education or the Department after it becomes aware of, or suspects a breach. We do not believe this will always provide enough time when dealing with state-wide contracts, which cover the records of a significant number of students making it very difficult to provide classic notification directly to parents. We would recommend using the following language "For state-wide contracts, the contract shall provide that the contractor must take reasonably practicable

steps to publish notice of a breach in a manner reasonably likely to reach or be available to the parents or guardians of all students affected by the breach.” Additionally, we believe Section 3(b) could create confusion about how to treat directory information, because the same issue is already addressed by the Family Educational Rights and Privacy Act (FERPA). FERPA generally allows the information to be disclosed but includes an exception for families who object to having their child’s information shared. We believe FERPA’s handling of this issue is adequate. Furthermore, this section puts an obligation on the district to make a determination of the intent of a requester, without providing instruction on how to make that decision, and does not have a mechanism in place to appeal the decision once it is made. We would suggest removing this section entirely.

Raised Bill 5470, An Act Concerning A Pilot Program For Students In High School Interested In Pursuing A College Degree In Education

The Department is in strong favor of this proposal and believes it is very important for our teachers to be racially and ethnically reflective of our student population. During a time when most high school students are not considering careers as teachers, this pilot program provides not only a great opportunity to recruit minority students to become educators, but also to recruit minority students who are excelling in shortage areas such as science and math. We are very supportive of this effort and would suggest potentially expanding the pilot program to include Middletown and Norwich, both of which have significant minority student populations.